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YOU WILL, OSCAR, YOU WILL!:

THE IMPLICATIONS OF FREE QUOTABILITY AND TRANSPUBLICATION

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Forethought.

One of the most famous sayings of the Irish author and wit, Oscar Wilde, was not something he said himself but something that was said *to* him. At a party, someone else said something very clever, and Wilde exclaimed, "I wish I had said that." One friend replied, "You will, Oscar, you will!"

The implied joke in the phrase "You will, Oscar, you will!" was in suggesting that Wilde might have a habit of pretending to make up clever sayings actually taken from others. Now, this is a small sin,

and indeed hard to avoid in the flow of conversation, but the implicit accusation added to the humor: that perhaps Wilde, one of the most renowned wits in the English language, may have been frequently stealing credit.

The Issues

We all face the same problem in the literary and media world. We want to contribute, we want our contributions recognized, and, of course, we would like to be paid for our contributions.

That is what copyright is about. Copyright permits the existence of ~~the~~ the media industries and literature itself, motivating people to create books, magazines, journals, motion pictures and music.

But copyright is also becoming more and more of a nuisance-- in many cases, not so much because of the price of royalty payments, but because of the great inconvenience. (To make a documentary video or multimedia production, more of the effort often goes into negotiating for rights than into the composition of the product.)

Yet many of us would not mind paying for the contributions of others, provided it was not very inconvenient.

The anti-copyright forces think that that copyright is an unnecessary monopoly granted by the state. Actually it is the formalization and clarification of a de facto situation: *rightsholders will collect somehow, or there will be no product.*~~✂~~

Electronic Publishing, Our New World

In the coming world, most publication will be electronic publishing. The information can be separated from a physical medium, and transmitted electronically, having no particular physical embodiment. (CD-ROM is not electronic publishing, because CD-ROMs are physical objects which need to be physically manufactured and distributed.)

Now, however, we have learned to separate the information itself from physical media, and digital text and graphics and movies can be poured from place to place with great ease.

To some this suggests that we destroy copyright to offer free movement of everything. To me it suggests something different: a setting where we can share copyrighted materials easily among users and documents, and maintain the principal features of copyright while opening documents to multiple kinds of usage.

Closed-Object Publishing

But most publishers and producers seem to think that only complete and closed objects will be created. Why? *People want to connect and quote* all the time.

The previous physical media have of course been closed objects. The boundary of the object the boundary of ownership. But now we can publish followable connections where before there were only references.

Open Hypermedia Publishing

The Xanadu publishing method, long announced but delayed by technical snags, is intended as a method for permitting automatic royalty on the network sale of electronic documents and objects.

Secondly, it allows for interconnection and quotation between objects.

A Traditional Approach Transposed

This is in fact simply traditional publishing transposed to the electronic realm. A *document*, or information package with a point of view, is made available to the public by a *publisher*. The publisher is that person or organization that assumes liability for the contents under the law, and potentially makes a profit from it. (The authors or creators may take on such liability, and be such publishers, if they wish.)

The Mechanics

Xanadu is to be a licensed network of franchised operators running the Xanadu software.

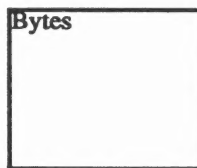
Any legal publisher (i.e., anyone in a free country) may place a document on the network and sign a legal document that publishes it, whereupon it becomes available to all users. A user anywhere may request any portion of a document, and pay for it automatically. Thus the document is sold only by the requested portion, with automatic royalty to the publisher on every byte sent to a customer, collected by the service provider and returned to the publisher.

Different Document Structures

The network will of course sell traditional documents-- text, graphics, audio, etc.-- which we may think of as merely bytes.

Traditional Document (Closed or Unconnected)

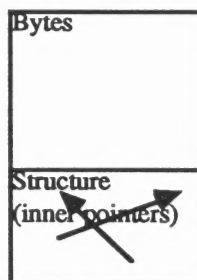
Contents



In addition, the network will support closed hypertexts and hypermedia objects having any structure.

Hyperdocument (Closed or Unconnected)

Contents



The Transpublishing Paradigm

But most important, a document may publish connections to any other document on the network.

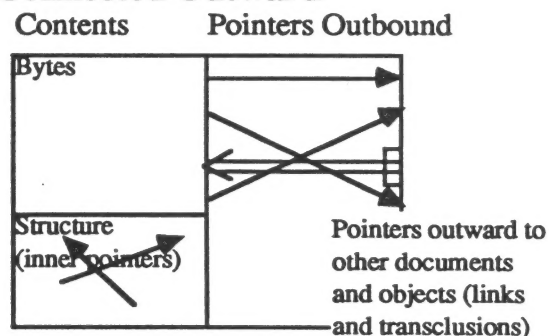
These connections are of two types: *links* (pointers of any sort) and *transclusions* (the same material appearing in the new document).

Through transclusion, any document is free to quote any other document without permission or prearrangement-- since the quotation is not copied; *it is bought automatically by the user's machine from the original publisher at the instant of request*. This satisfies the principal desiderata of copyright: nothing is misquoted; nothing is out of context (since the context address is known to the user's machine); royalty is correctly apportioned; and credit is correctly apportioned.

The Uncontrolled Connection Space

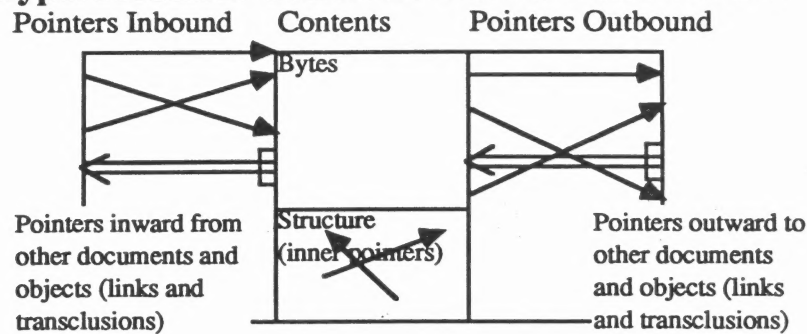
This has unexpected ramifications in the computer world. The implications of allowing outward pointers, which are part of a document,

Hyperdocument Connected Outward



is that those same outward pointers land somewhere-- in the documents they point to. This connection does not affect the document itself, but lives like a barnacle at its surface.

Hyperdocument Connected Outward and Inward



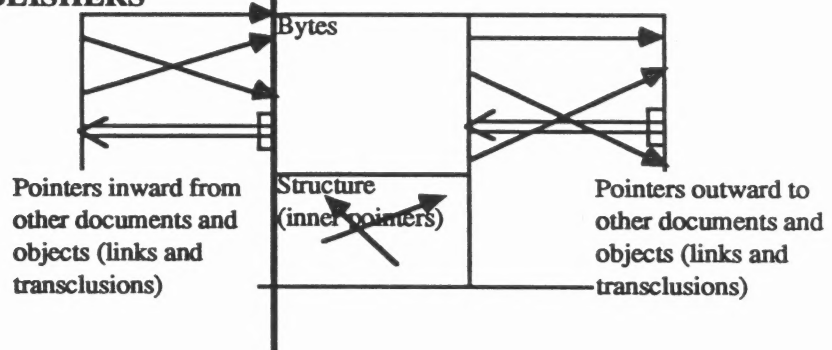
This in turn has interesting implications in the computer world. The document's extended space must be paid for by someone. And who controls it? Who owns it?

The Xanadu answer is that the space occupied by a document's incoming pointers is not controlled or paid for by ^{that} the document's owner. Each publisher is accountable for the contents of his, her or its own documents; the pointers are contents ^{as} well, and thus under the control-- and paid for-- by the ^{several} publishers of those ^{incoming} pointers.

WHO OWNS IT?

DOCUMENT'S EXTERNAL SEARCH SPACE, owned by OTHER PUBLISHERS

DOCUMENT, owned by PUBLISHER



We believe this furnishes a complete and clean solution to a large part of the copyright problem in all media.

This model is implicit to all Xanadu systems-- including a new version called "Xanadu Light," and the version funded for some time by Autodesk, Inc. (and still under development by arrangement with XOC, Incorporated of Palo Alto).

What If We Could Quote All We Like?

We are so used to not being able to quote freely that we scarcely realize what it might be like if we could.

The Xanadu publishing method may change all that. It keeps all the contributions separate and appropriately rewards all contributors, yet allows all contents to be freely used (as unmodified portions) by others.

By allowing everyone to combine illustrations, explanations, video clips and pieces arbitrarily from all sources, it allows new documents and packages to be quickly thrown together for every purpose. We can quote extensively and widely, in mass amounts. We can put our efforts into media creation, rather into than negotiating for rights.

As I said earlier, the problem of quotation involves many of the issues of the intellectual world: personal contributions, ethics, acknowledgment of others, reward. We have designed a system to embrace all of these, which we believe is fair and balanced; anyone who agrees is free to use it, but only if they want to. It is this freedom-- freedom to publish in new ways, and freedom not to publish as well-- which we support.

Let us not underestimate the consequences of such a potential freedom for a whole new world.